

UPDATED 07/08/2005

UPDATED

Oral Argument Calendar

JULY 2005

07/08/2005

JULY 2005

July 12, 2005

COURT MEETING CANCELED

10:00 - 10:30 AM, ORAL ARGUMENT, #2005-CA-0993, DONNIE NEWSOME V. MIKE HALL, JUDGE JOHNSON, PRES., JUDGES HENRY AND MINTON, ASSOC. (ELECTION APPEAL)

10:30 AM, MOTION PANEL, JUDGE JOHNSON, PRES., CHIEF JUDGE COMBS; and JUDGE HENRY, ASSOC

10:45 - 11:15 AM, ORAL ARGUMENT, #2004-CA-1108, TROY CRAIG V. TERESA CRAIG, JUDGE TAYLOR, PRES., JUDGES KNOPF AND VANMETER, ASSOC. (RESCHEDULED FROM JUNE 2005)

12:15 - 12:45 PM, ORAL ARGUMENT, #2003-CA-1224, JASON CROSS, ET AL. V. BARNEY JONES, ET AL., JUDGE TAYLOR, PRES., JUDGES GUIDUGLI AND MINTON, ASSOC. (RESCHEDULED FROM APRIL 2005)

1:00 - 1:30 PM, ORAL ARGUMENT, #2004-CA-1252, CINCINNATI GAS AND ELECTRIC V. APPALACHIAN FUELS, LLC., JUDGE SCHRODER, PRES.; JUDGES DYCHE AND VANMETER, ASSOC.

1:45 - 2:15 PM, ORAL ARGUMENT, #2004-CA-1025, LABORATORY CORPORATION OF AMERICA V. ROBBIE RUDOLPH, ET AL., JUDGE McANULTY, PRES., JUDGES GUIDUGLI AND MINTON, ASSOC. (RESCHEDULED FROM MAY 2005).

2:30 - 3:00 PM, ORAL ARGUMENT, #2003-CA-1639, EWG CORPORATION, ET AL. V. DAVID HILS, ET AL., CHIEF JUDGE COMBS, PRES., JUDGE GUIDUGLI AND SENIOR JUDGE MILLER, ASSOC.

PHONE NUMBERS WHERE PANEL MEMBERS CAN BE REACHED WHEN ORAL ARGUMENTS SCHEDULED:

FRANKFORT - Contact Sam Givens, 502-573-7920

GLASGOW - Judge Phil Patton's Office, 270-651-2744

GREENVILLE- Judge David Jernigan's Office, 270-338-5930

LOUISVILLE - Contact Shelly Hawes, Judge Knopf's Secretary, 502-595-3440

PANEL: WEST/SOUTHCENTRAL

LOCATION: CIRCUIT COURTROOM, MUHLENBERG JUDICIAL CENTER, 136 SOUTH MAIN STREET, GREENVILLE, KENTUCKY

DATE: Wednesday, July 20, 2005

9:30 AM PJ: BUCKINGHAM EMBERTON JOHNSON
2004CA001073 SIDNEY VANNOY VS JOSEPH MILUM, M.D. ET AL.

MEDICAL MALPRACTICE/SUMMARY JUDGMENT

CIVIL HOPKINS COUNTY CHARLES W BOTELER JR

Appellant Atty:

Appellant Name:

.....
THOMAS, DANIEL N.

.....
SIDNEY VANNOY

Appellee Atty:

Appellee Name:

.....
MILLER, C THOMAS

.....
JOSEPH A. MILUM, M.D.

SIGLER, JAMES A.

MULTICARE SPECIALISTS, P.S.C.
JOSEPH A. MILUM, M.D.
MULTICARE SPECIALISTS, P.S.C.

**NOTE:PREVIOUSLY SET FOR JULY 13, 2005 AT THE SAME LOCATION.

10:15 AM PJ: BUCKINGHAM EMBERTON JOHNSON
2003CA001372 PEMBROKE ROAD WAREHOUSES, LLC VS EAGLE WAY AG, LLC ET AL.
2003CA001373 FORECLOSURE/TENANT RIGHTS

CIVIL CHRISTIAN COUNTY JOHN L. ATKINS

Appellant Atty:

Appellant Name:

.....
HOAGLAND, KIMBERLY ANN

.....
PEMBROKE ROAD WAREHOUSES, LLC

Appellee Atty:

Appellee Name:

.....
ASKEW, LOGAN B.
COTTHOFF, DAVID LESTER

.....
PNL PARTNERS 2001, L.P.
BRUCE CLINE
CHARLES E POWELL
EAGLE WAY AG, LLC
CHRISTIAN COUNTY KENTUCKY
MULLINS LOGISTICS, INC.
MULLINS WAREHOUSES, LLC
PENNYRILE DISTRIBUTION, INC.
GENERAL TOBACCO COMPANY, INC.
CRESTAR BANK / CRESTAR BANK N.A.
HOPKINSVILLE ASSOCIATED LIMITED PARTNERSHIP

FOSTER, J MICHAEL
HUMPHRIES, KENNETH W

JANES, TERRANCE J
NOT REPRESENTED BY COUNSEL,
SELF, ANDREW C

**NOTE:PREVIOUSLY SET FOR JULY 13, 2005 AT THE SAME LOCATION.

PANEL: WEST/SOUTHCENTRAL

LOCATION: CIRCUIT COURTROOM, MUHLENBERG JUDICIAL CENTER, 136 SOUTH MAIN STREET, GREENVILLE, KENTUCKY

DATE: Wednesday, July 20, 2005

11:00 AM PJ: JOHNSON BUCKINGHAM EMBERTON
2004CA001510 ROGER MCLAVAIN VS COMMONWEALTH OF KENTUCKY

WHETHER THE TRIAL COURT ERRED BY REFUSING TO (1) SUPPRESS EVIDENCE FROM A SEARCH; (2) DECLARE A MISTRIAL BASED ON CERTAIN TESTIMONY; AND (3) GRANT A DIRECTED VERDICT OF ACQUITTAL.

CRIMINAL MUHLENBERG COUNTY DAVID H JERNIGAN

Appellant Atty:

Appellant Name:

.....
DEATHERAGE, WILLIAM G
HEARON, JAMES MICHAEL

.....
ROGER MCLAVAIN
ROGER MCLAVAIN

Appellee Atty:

Appellee Name:

.....
SHEPHERD, DENNIS W.

.....
COMMONWEALTH OF KENTUCKY

****NOTE:PREVIOUSLY SET FOR ORAL ARGUMENT ON JULY 13, 2005 AT THE SAME LOCATION.**

1:00 PM PJ: EMBERTON BUCKINGHAM JOHNSON
2003CA001921 CHARLES CLARK ET AL. VS JAMES WILLIAMS ET AL.

2003CA002158 GUARANTY AGREEMENT; CONSIDERATION; CONSTRUCTIVE TRUST; COLLATERAL ESTOPPEL; CHAMPERTOUS AGREEMENT; STANDING; TIMELINESS OF APPEAL

CIVIL DAVIESS COUNTY HENRY M GRIFFIN III

Appellant Atty:

Appellant Name:

.....
WILKEY JR, RUSSELL LYNN
WILKEY SR, RUSSELL LYNN
WILKEY, RUSSELL LYNN

.....
CHARLES L. CLARK JR
CHARLES L. CLARK SR
GINA CLARK
SANDRA CLARK

Appellee Atty:

Appellee Name:

.....
DUTY, W RUSSELL

.....
JAMES D. WILLIAMS
LINDA WILLIAMS
ROBERT ANDERSON TRUST

****NOTE:PREVIOUSLY SET FOR 7/13/2005 AT THE SAME LOCATION.**

PANEL: WEST/SOUTHCENTRAL

LOCATION: CIRCUIT COURTROOM, MUHLENBERG JUDICIAL CENTER, 136 SOUTH MAIN STREET, GREENVILLE, KENTUCKY

DATE: Wednesday, July 20, 2005

1:45 PM

PJ: BUCKINGHAM

EMBERTON

JOHNSON

2004CA001525

WILLIAM ESTES ET AL. VS VIRGIE THURMAN

PROPERTY/INSURANCE PROCEEDS

CIVIL

BALLARD COUNTY

WILLIAM LEWIS SHADOAN

Appellant Atty:

Appellant Name:

.....
ANDERSON, KENNETH V

.....
GAYLE ESTES
WILLIAM ESTES

Appellee Atty:

Appellee Name:

.....
STACY, MICHAEL B

.....
VIRGIE THURMAN

PANEL: LOUISVILLE METRO

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM,
700 WEST JEFFERSON STREET, LOUISVILLE, KENTUCKY

DATE: Wednesday, July 13, 2005

9:30 AM PJ: MINTON HENRY MCANULTY
2004CA001309 STEVEN DAWSON VS TAMATHA BERRYMAN

APPEAL FROM DENIAL OF CR 60.02 RELIEF FROM CHILD SUPPORT OBLIGATION FOLLOWING RESULTS OF DNA TESTING SHOWING APPELLANT WAS NOT BIOLOGICAL FATHER OF CHILD WHERE APPELLANT HAD AGREED TO JOINT CUSTODY OF CHILD AFTER KNOWING OF DNA RESULTS.

FAMILY COURT JEFFERSON COUNTY MARY M L COREY

Appellant Atty:

Appellant Name:

.....
VISH, DAVID L

.....
STEVEN RAY DAWSON

Appellee Atty:

Appellee Name:

.....
HELMERS, JOHN H.

.....
TAMATHA L. BERRYMAN

10:15 AM PJ: HENRY MINTON MCANULTY
2004CA001609 KIRK MORGAN VS KENTUCKY BOARD OF MEDICAL LICENSURE

FAILURE OF BOARD TO RENDER ORDER WITHIN STATUTORY TIME FRAME; ABUSE OF DISCRETION BY CIRCUIT COURT.

CIVIL JEFFERSON COUNTY LISABETH HUGHES ABRAM

Appellant Atty:

Appellant Name:

.....
BURKE, KEVIN C.

.....
KIRK D. MORGAN

SEGELEON, JASON R

KIRK D. MORGAN

Appellee Atty:

Appellee Name:

.....
ELDER, L CHAD

.....
KENTUCKY BOARD OF MEDICAL LICENSURE

PANEL: EAST/SOUTHEAST

LOCATION: COURTROOM OF THE COURT OF APPEALS, 360 DEMOCRAT DRIVE, FRANKFORT,
KENTUCKY

DATE: Tuesday, July 12, 2005

1:00 PM

PJ: SCHRODER

DYCHE

VANMETER

2004CA001252

CINCINNATI GAS AND ELECTRIC COMPANY VS APPALACHIAN FUELS, LLC

WHAT DISCHARGES A PARTY'S OBLIGATION TO ARBITRATE?

CIVIL

BOYD COUNTY

C DAVID HAGERMAN

Appellant Atty:

Appellant Name:

.....
MURRAY, JANICE LEE
SCARR, THOMAS EDWARD

.....
CINCINNATI GAS AND ELECTRIC COMPANY
CINCINNATI GAS AND ELECTRIC COMPANY

Appellee Atty:

Appellee Name:

.....
HOWE, THOMAS M
HUNTER, BARRY D

.....
APPALACHIAN FUELS, LLC
APPALACHIAN FUELS, LLC

PANEL: NORTH/CENTRAL

LOCATION: COURTROOM OF THE COURT OF APPEALS, 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, July 12, 2005

2:30 PM

PJ: COMBS

GUIDUGLI

MILLER

2003CA001639

EWG CORPORATION ET AL. VS DAVID HILS ET AL.

FRAUD WAS ALLEGED IN PROCUREMENT OF A PROJECT MANAGEMENT CONTRACT AS WELL AS SUBSEQUENT BREACH OF CONDUCT FOR INADEQUATE PERFORMANCE.

CIVIL

BOONE COUNTY

JOSEPH F. BAMBERGER

Appellant Atty:

Appellant Name:

.....
BAKER, JOSEPH L.

.....
EWG CORPORATION

PLEATMAN, DEBRA S.

GEERS DEVELOPMENT, LLC
WILLIAM GEERS

EWG CORPORATION
GEERS DEVELOPMENT, LLC
WILLIAM GEERS

Appellee Atty:

Appellee Name:

.....
JANSZEN, AUGUST T

.....
DAVID HILS
NEIL BLUNT

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, July 12, 2005

10:00 AM PJ: JOHNSON HENRY MINTON
2005CA000993 DONNIE NEWSOME VS MIKE HALL

ELECTION

KNOTT COUNTY

JAMES E BONDURANT

Appellant Atty:

Appellant Name:

.....
LEWIS, EVA CHRISTINE
REED, STEVEN S
WICKER, J KENT

.....
DONNIE NEWSOME
DONNIE NEWSOME
DONNIE NEWSOME

Appellee Atty:

Appellee Name:

.....
ENDICOTT, MICHAEL S.

.....
MIKE HALL

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, July 12, 2005

10:45 AM PJ: TAYLOR KNOPF VANMETER
2004CA001108 TROY CRAIG VS TERESA CRAIG

WHETHER CIRCUIT COURT ERRED IN ITS AWARD OF MAINTENANCE TO APPELLEE; WHETHER CIRCUIT COURT ERRED BY AWARDED APPELLEE \$2.00 PER POUND FOR TOBACCO BASE; WHETHER CIRCUIT COURT ERRED BY AWARDED APPELLEE ATTORNEY FEES AND COSTS; WHETHER CIRCUIT COURT ERRED BY AWARDED APPELLEE INTEREST AT RATE OF 12% UPON JUDGMENT?

FAMILY COURT TRIMBLE COUNTY KAREN A. CONRAD

Appellant Atty:

Appellant Name:

.....
BAXTER, RUTH H.

.....
TROY GENE CRAIG

Appellee Atty:

Appellee Name:

.....
THEISS, JAMES L

.....
TERESA ANN CRAIG

12:15 PM PJ: TAYLOR MINTON GUIDUGLI
2003CA001224 JASON CROSS ET AL. VS ET AL.

WHETHER CIRCUIT COURT PROPERLY DETERMINED THAT SHERIFF POSSESSED SOVEREIGN AND/OR OFFICIAL IMMUNITY?

CIVIL BARREN COUNTY PHIL PATTON

Appellant Atty:

Appellant Name:

.....
DUERR, KEITH D

.....
CHRISTOPHER A. SPRADLIN

.....
HUDDLESTON, LEE

JASON H. CROSS

CHRISTOPHER A. SPRADLIN

JASON H. CROSS

Appellee Atty:

Appellee Name:

.....
LOVELL, MARC A.

.....
BARNEY JONES

UNKNOWN INSURANCE CARRIER OF BARNEY JONES

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE, FRANKFORT,
KENTUCKY

DATE: Tuesday, July 12, 2005

1:45 PM

PJ: MCANULTY

GUIDUGLI

MINTON

2004CA001025

LABORATORY CORPORATION OF AMERICA HOLDINGS VS ROBBIE
RUDOLPH ET AL.

JUDICIAL REVIEW OF COMMON-WEALTH'S DECISION TO AWARD UNDER MODEL PROCUREMENT ACT.

CIVIL

FRANKLIN COUNTY

ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
CLARK, BRUCE F.

.....
LABORATORY CORPORATION OF AMERICA HOLDINGS

LEACH, MARK WILLIAM

LABORATORY CORPORATION OF AMERICA HOLDINGS

Appellee Atty:

Appellee Name:

.....
CETRULO, DON

.....
PATERNITY TESTING CORPORATION

DEBOLT JR, RAYMOND F

COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION
CABINET

MCCORMICK, NORA K.

ROBBIE RUDOLPH

COMMONWEALTH OF KENTUCKY

PANEL: FRANKFORT PANEL

LOCATION: BARREN COUNTY CIRCUIT COURTROOM, 300 COURTHOUSE SQUARE,
GLASGOW, KENTUCKY

DATE: Wednesday, July 13, 2005

10:15 AM PJ: TAYLOR HUDDLESTON TACKETT
2004CA001391 GARY JONES VS COMMONWEALTH OF KENTUCKY

WHETHER APPELLANT WAS ENTITLED TO DIRECTED VERDICT OF ACQUITTAL.

CRIMINAL MONTGOMERY COUNTY WILLIAM B MAINS

Appellant Atty:

Appellant Name:

.....
CLARE, LISA BRIDGES
PRESTON, DAMON

.....
GARY JONES
GARY JONES

Appellee Atty:

Appellee Name:

.....
SEELIG, GEORGE G.
STUMBO, GREGORY D.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

11:00 AM PJ: TAYLOR HUDDLESTON TACKETT
2004CA001250 FLEMING LOGAN VS COMMONWEALTH OF KENTUCKY

WHETHER CIRCUIT COURT ERRED BY SUMMARILY DENYING APPELLANT'S RCR 11.42 MOTION FOR INEFFECTIVE ASSISTANCE OF COUNSEL.

CRIMINAL CARTER COUNTY SAMUEL C LONG

Appellant Atty:

Appellant Name:

.....
GRANEY, PATRICK F.
PRESTON, DAMON

.....
FLEMING LOGAN
FLEMING LOGAN

Appellee Atty:

Appellee Name:

.....
LONG JR, WILLIAM ROBERT

.....
COMMONWEALTH OF KENTUCKY